

Docket Clerk
Marketing Order Administration Branch
Fruit and Vegetable Programs
AMS
U.S. Department of Agriculture
1400 Pennsylvania Avenue SW
Stop 0237
Washington, D.C. 20250-1237

(Re: Docket No. FV06-966-1 PR)

Dear Sir or Madam:

Florida Fruit & Vegetable Association (FFVA) submits the following comments regarding the proposed rule: "Tomatoes Grown in Florida; Partial Exemption to the Minimum Grade Requirements.

The subject proposal would exempt UglyRipe(tm) tomatoes from the minimum grade requirements of the federal marketing order for Florida tomatoes. It is our understanding that the issue of a partial exemption for UglyRipe(tm) tomatoes from the minimum grade requirements has been the subject of several votes of the Florida Tomato Committee (FTC or Committee). We also understand that the committee, after due consideration, has voted to deny the petition on several occasions.

FFVA is a strong supporter of federal marketing orders. They provide industries valuable tools for the orderly marketing of highly volatile agricultural commodities. The USDA AMS website explaining the marketing order programs states:

"Marketing orders and marketing agreements are designed to help stabilize market conditions for fruit and vegetable products. The programs assist farmers in allowing them to collectively work to solve marketing problems."

Critical to the success of marketing orders is a governance process that allows issues such as this to be debated and, ultimately, decided by majority vote. Indeed, the regulations for the tomato program clearly contemplate that the Secretary give great weight to the recommendations of the Committee, which is appointed by the Secretary.

In this case, it appears that the Committee has followed proper procedures of the order in its decision to deny the petition for an exemption. Overturning the decision through regulation may be damaging to not only the Committee, but to marketing orders in general. It is important that the integrity of the marketing order system and its

governance process be upheld. Therefore, we recommend that that this proposed rule be withdrawn, and that the matter be handled by the Committee.

Sincerely,

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